

REMARKS:

Improper Abstract Language

The Examiner has objected to the Abstract of the application for improper language and format. Specifically, the Examiner asserts that it is improper to use the phrase “the present invention” in an abstract, and quotes language from MPEP 608.01(b)(D) (“Language and Format”). A marked up and clean copy of the abstract are provided with amendments to bring the abstract into compliance with the guidelines. Applicant hereby requests entry of the foregoing amendments to the abstract.

Rejections Under 35 USC 112, Second Paragraph

The Examiner has rejected claims 3, 4, 14, and 15 under 35 USC 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the invention because the phrase “said plurality of fasteners” lacks antecedent basis. Each of the claims 3, 4, 14, and 15 have been amended to be dependent on a claim which contains the element “plurality of fasteners.” Specifically, claims 3 and 4 are now dependent on claim 2, which recites “a plurality of fasteners” rather than claim 1 which does not, while claims 14 and 15 are now dependent on claim 13, which recites “a plurality of fasteners” rather than claim 11 which does not. It is submitted that these claim amendments should overcome the Examiner’s 35 USC 112, second paragraph rejection.

Rejections Under 35 USC 103

The Examiner has rejected claims 1 and 3-8 under 35 USC 103(a) as unpatentable over Dyer et al. (3,311,434). The Examiner asserts that Dyer teaches all elements of

these claims except for the fact that the shell includes the bottom portion of the cart, but that this inclusion would be obvious because “mak[ing] formerly separate features of a structure from a single element involves only routine skill in the art.” (Examiner’s Office Action page 3). Additionally, the Examiner asserts that a product-by-process limitation such as “reaction injection molded” is given no weight in a claim. This assertion disregards the exception to the rule as set forth in *In re Garnero*, 162 USPQ (BNA) 221 (CCPA 1969) and similar cases.

Specifically, *Garnero* and other cases provide that if a limitation which might be read as a product by process limitation more accurately describes a structural feature or limitation, then the product by process limitation does provide patentable weight. (The *Garnero* court provided examples of product by process limitations that provide patentable weight because they describe structure, i.e. “intermixed,” “ground in place,” “press fitted,” “etched,” and “welded”. See also *Hazani v. US Int’l Trade Comm’n*, 126 F.3d 1473 (Fed. Cir. 1997) (reading “chemically engraved” as more of a structural limitation than a product by process limitation).).

Claims 1 and 11 have been amended to better specify the composition of the reaction-injection-molded material. It is submitted that “reaction injection molded” does provide patentable weight as it describes not only the process by which the material is made, but also inherent structural features. The reaction injection method can produce only a limited set of materials. As stated in the specification, the reaction injection molding process includes a foam-resin applicator, which discharges a foam resin into a mold, and base-resin applicator, which discharges a base resin into a mold. (See Specification, paragraph 36). Through pressurization and heating, this material solidifies.

Because only certain materials can be used in this process, “reaction injection molded material” is limited to the materials produced by this process. This is similar to, for example, corrugated cardboard, which is a specific type of cardboard but is described by the process by which it is made. Therefore, it is submitted that the limitation “reaction injection molded” is a limitation to the characteristic of the material, as opposed to merely the process by which the material is made, and does provide patentable weight over the prior art. Because no prior art cited by the examiner contains the limitation that a one-piece plastic shell includes at least one layer of a reaction injection molded material, said reaction-injection-molded material including an outer foam layer and an inner base layer, wherein said foam layer is coupled to said base layer, such that said one piece plastic shell has substantially high thermal insulation properties and substantially low weight, Applicant hereby submits that claims 1 and 3-8 are patentable over Dyer and the prior art. Because claims 3-8 are dependent on claim 1 and because claim 1 is patentable for the reasons set forth above, claims 3-8 are also patentable.

Further, it is submitted that since no prior art cited by the Examiner contains the combination of elements cited in claim 1, including the presently added limitation that the plastic shell includes an outer layer and an inner layer such that the plastic shell has substantially high thermal insulation properties and substantially low weight, it is submitted that claims 1 and 3-8 are patentable over Dyer and the prior art. Because claims 3-8 are dependent on claim 1 and because claim 1 is patentable for the reasons set forth above, claims 3-8 are also patentable.

The Examiner has rejected claims 2 and 4 under 35 USC 103(a) as unpatentable over Dyer in view of Cunningham (2,725,271). The Examiner asserts that Dyer teaches

the limitations of claim 1 but does not teach the limitation of claim 2 that the material has fasteners embedded therein. However, since claims 2 and 4 are dependent on claim 1 and since claim 1 is patentable over the prior art for reasons set forth above, it is submitted that claims 2 and 4 are patentable over the prior art.

The Examiner has rejected claims 9 and 10 under 35 USC 103(a) as unpatentable over Dyer in view of Greenwald (1,872,733). Again, neither of these cited patents teaches, suggests, or discloses the limitation of a reaction injection molded material. Therefore, claims 9 and 10 are patentable over the prior art.

A similar line of reasoning can be applied to the rejections under 35 USC 103(a) of claims 11 through 22. In addition to the patents already mentioned, the Examiner has cited Kesling (U.S. 3,091,946), which also does not disclose any reaction-injection-molded component. Because such a limitation, present in claim 11 and 12 through 22 through incorporation, is not taught, disclosed, or suggested in any prior art cited by the Examiner, it is respectfully submitted that all of claims 1 through 22 are patentable over the prior art.

Respectfully submitted,

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